

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-7372

CORNELIUS TUCKER, JR.,

Petitioner - Appellant,

versus

GARY DIXON; STATE OF NORTH CAROLINA; DEPART-
MENT OF CORRECTIONS; LYNN PHILLIPS; MICHAEL
EASLEY,

Respondents - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of North Carolina, at Raleigh. James C. Fox, Chief District
Judge. (CA-94-108-5-F)

Submitted: January 30, 1996

Decided: July 26, 1996

Before MURNAGHAN, NIEMEYER, and HAMILTON, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Cornelius Tucker, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Appellant seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (1988) petition. Although we note that the district court did not specifically address Appellant's claim that his probation revocation was based on perjured testimony, it was not an abuse of discretion to dismiss this allegation of a "vague, conclusory or palpably incredible nature" without a hearing. See Raines v. United States, 423 F.2d 526, 531 (4th Cir. 1970) (quoting Machibroda v. United States, 368 U.S. 487, 495 (1962)). With regard to the three remaining claims, we have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we deny a certificate of probable cause to appeal and dismiss the appeal on the reasoning of the district court. Tucker v. Dixon, No. CA-94-108-5-F (E.D.N.C. Aug. 29, 1995). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED